

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CATHERINE KILAL NIKUNDIWE,

Defendant-Appellant.

UNPUBLISHED

June 2, 1998

No. 195261

Ingham Circuit Court

LC No. 95-069365 FH

Before: Sawyer, P.J., and Kelly and Smolenski, JJ.

PER CURIAM.

Following a jury trial, defendant was convicted of carrying a concealed weapon in an automobile, MCL 750.227; MSA 28.424, and sentenced to three years' probation. Defendant appeals as of right. We affirm.

Defendant argues that the trial court erred in refusing to allow her to present a defense of duress. We disagree. Defendant claimed that she carried a gun for protection because she feared for her life. Self-protection is not a defense to the charge of carrying a concealed weapon. *People v Townsel*, 13 Mich App 600; 164 NW2d 776 (1968). Moreover, although the harassment defendant was subjected to may constitute threatening conduct sufficient to create the fear of death or serious bodily harm in the mind of a reasonable person, *People v Terry*, 224 Mich App 447, 453; 569 NW2d 641 (1997), we do not believe that defendant was compelled by the conduct to carry a concealed weapon in her automobile. The threatening conduct or act of compulsion must be present, imminent, and impending, and a threat of future injury is not enough. *People v Lemons*, 454 Mich 234, 247; 562 NW2d 447 (1997).

Affirmed.

/s/ David H. Sawyer

/s/ Michael J. Kelly

/s/ Michael R. Smolenski

